



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALB:ABK
F.#2014R00151

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 20, 2016

By ECF and Interoffice Mail

The Honorable Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Joseph Valerio
Criminal Docket No. 14-0094 (JFB)

Dear Judge Bianco:

In anticipation of the Fatico hearing scheduled for July 25, 2016, the government writes to advise the Court and defense counsel of its anticipated witness list and order of testimony.¹ First, the government will present the testimony of L.D., a victim-witness who is traveling from the United Kingdom to testify about her dealings with the defendant in late 2009 when she was hired to serve as an au pair at the defendant's residence. Second, the government intends to call a former employee of InterExchange, Inc., an organization that facilitated L.D.'s employment with the defendant. Next, the government intends to question Olena Kalichenko, should the Court seek to hear from her regarding her interactions and dealings with the defendant.²

The government requests that the remainder of the hearing be continued to a later date, to allow the government to call A.D., a victim-witness from South Africa. Earlier today, the government was advised by A.D. that, due to circumstances beyond the control of A.D. or this Office, A.D. will be unable to travel in time to attend the July 25 hearing. We will obtain alternate available dates from A.D. and, after conferring with defense counsel and

¹ The government has provided the defense with pre-marked exhibits and Section 3500 materials.

² As indicated in the government's July 11, 2016 letter, any testimony voluntarily offered by Ms. Kalichenko does not constitute "substantial assistance" in the investigation or prosecution of any other person, within the meaning of Section 5K1.1 of the United States Sentencing Guidelines or Title 18, United States Code, Section 3553(e). (See ECF No. 121.)

the Your Honor's Courtroom Deputy, the government will respectfully propose a date in the near future to continue the Fatico hearing so that the Court may hear from A.D.

Respectfully submitted,

ROBERT L. CAPERS
United States Attorney

By: /s/ Ameet B. Kabrawala
Ameet B. Kabrawala
Assistant U.S. Attorney
(718) 254-6001

cc: Anthony M. LaPinta, Esq.
Leonard Lato, Esq.
Counsel for Defendant

Robert P. LaRusso, Esq.
Counsel for Olena Kalichenko

Ms. Lisa Langone
U.S. Probation Department